

Message

From: Ann Looney [alooney@moses-ma.org]
Sent: 8/18/2011 1:29:54 PM
To: Pontes, Rebecca (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Rebecca.Pontes]; Hanchett, James (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=James.Hanchett]; Salem, Sharon (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Sharon.Salem]; Farak, Sonja (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Sonja.Farak]
CC: BQuinn@moses-ma.org; 'B. Marie Cunningham' [bmcunningham@moses-ma.org]; 'Marie Cunningham' [Auntie126@aol.com]; Dorant, Joe [/O=COMMONWEALTH OF MASSACHUSETTS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JoeDorant]; 'Bridget Quinn' [bkq1974@yahoo.com]; Gates, Michelle [/O=COMMONWEALTH OF MASSACHUSETTS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MichelleGates]; Salemi, Charles (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Charles.Salemi]
Subject: RE: Questions/Concerns
Importance: High

Hi Rebecca,

I hope you don't mind that I share my response and your questions with your coworkers. Over the last 4 years of layoffs at the Department we have asked the same questions. Unfortunately, the DPH budget is a line item budget wherein the funds appropriated by the legislature for one line item, for example "Bureau of Infectious Disease" or "BID" (where many of the Epidemiologist positions have been filled) may not lawfully be transferred or expended for another program/line item like "State Laboratory Institute". Several years ago, DPH submitted legislation which MOSES supported which would allow the DPH (the Commissioner) to have more discretion over how DPH funds are expended (meaning the DPH could transfer funds from one bureau or program to another as it saw fit). This was rejected by the legislature. Therefore, DPH may not take funds from the programs/line items that fund those Epidemiologist/Bacteriologist and hosts of other positions to fund the State Lab. MOSES has expressed outrage and dismay over how DPH could be laying people off while continuing to hire and we have implored the Department to again file legislation which would give them more discretionary spending but to no avail. Although it was defeated even when they filed it themselves, MOSES will be filing such legislation.

We were advised that layoff notices would be going out on or about September 7, 2011.

What MOSES is focusing on right now with help from you all, is reaching out to legislators to see if money can be appropriated in a supplemental budget to save the crime lab. MOSES Legislative lobbyist Bridget Quinn was on Beacon Hill all day yesterday informing Representatives and Senators of the consequences of the Amherst lab shutdown as well as providing information about the amazing work being accomplished by the Amherst lab. Further, she is working with an agent of the IBPO to provide the police forces in Western MA information about the impacts of this closure on them which has already spurred them to take action. Additionally, with Jim's help, she is reaching out to various groups of District Attorney's to inform them of the consequences of the lab closure on the justice system which will cause them to act.

Also, President Joe Dorant has been providing interviews and information to the media (newspapers, radio, TV) to educate and inform the public in an effort to rally their support to maintain the lab as well as meeting with legislators.

MOSES is also in the process of contacting a number of City and Town Administrators to advise them of the negative economic impact that this closure will have on their budgets when police officers are forced to waste several days a month driving across the state to Boston and back due to chain of custody issues.

MOSES (President Dorant, Vice President Cunningham, Attorney Michelle Gates and myself) met yesterday with DPH Director of Labor Relations Marianne Dill, Commonwealth Human Resources Associate Director Matt Hale and Labor Relations Advisor Challis McNally. We raised all of the arguments as to why it would be more costly to close the Amherst Lab than to keep it open, brought up the backlog, that Amherst does 25% of Boston's work now etc. We also asked all kinds of questions for information on why cuts weren't being made to other areas, why DPH wasn't requesting supplemental budget funds to restore the cuts, why the Commissioner had not filed legislation to secure discretionary funding for DPH as we requested in May before the June layoffs, etceteras. I am drafting a formal request of the information we asked for yesterday as a follow-up which I will forward to all of you.

We will keep you as updated as possible and will be seeking information and guidance from you all as well. Any further questions please do not hesitate to ask. I will be forwarding the latest Seniority list and other informational material to you all shortly. I hope this is helpful. Ann.

Ann M. Looney
General Counsel
MOSES
90 North Washington Street, Suite 3
Boston, MA
alooney@moses-ma.org
617-367-2727; 1-800-845-1141

Injustice boils in men's hearts as does steel in its cauldron, ready to pour forth, white hot, in the fullness of time. Mother (Mary Harris) Jones

-----Original Message-----

From: Pontes, Rebecca (DPH) [mailto:rebecca.pontes@state.ma.us]
Sent: Thursday, August 18, 2011 8:21 AM
To: Looney, Ann
Subject: Questions/Concerns

Ann,

Jim relayed the message from you yesterday regarding the DPH wanting to close us (W Mass Drug Lab) down. I just have a couple of questions that I hope you can help me with. As you could imagine we are all on edge here and I am worried about what is going to happen so I was looking at my bumping rights and the list that was provided to us.

I would like to know why our jobs are in jeopardy if there were 12 bacteriologists hired for DPH in the past 2 years, 4 of them since January of 2011.

I would like to know why 15 epidemiologists were hired for DPH in the past 2 years, 5 since January 2011.

And I would like to know why there are 9 lab positions open for DPH? One of them was posted the day before BLS has their budget meeting.

I did not know who could answer these questions for me and I apologize for asking you but before I get the lay off notice I would like these questions answered.

Also, was there a timeframe as to when the decision will be made and we will be notified. I know it takes time but I have a house and family I will need to take care of if we are closed down.

Thank you for all your help. We appreciate having someone keeping us informed and if we didn't have MOSES, I would not know who to turn to as others we have contacted have not been so informative/helpful. Thanks again!!

Rebecca Pontes
Amherst Drug Lab
Room N251 Morrill I
637 North Pleasant St.

Amherst, MA 01003
413-545-2607 lab
[REDACTED] cell

From: Ann Looney [mailto:alooney@moses-ma.org]
Sent: Monday, August 15, 2011 3:39 PM
To: Hanchett, James (DPH); Pontes, Rebecca (DPH)
Subject: FW: Retirement/Layoff Incentive
Importance: High

FYI

From: Ann Looney [mailto:alooney@moses-ma.org]
Sent: Wednesday, August 03, 2011 6:49 PM
To: 'Malone, Cheryl A (HRD)'
Cc: 'Hale, Matthew (HRD)'; 'Dill, Marianne (EHS)'; 'B. Marie Cunningham';
'Dorant, Joe'; 'Clemmer, Jill (DPH)'; 'Corkren, Edward (DPH)'; 'Salemi,
Charles (DPH)'; 'McNally, Challis (HRD)'
Subject: Retirement/Layoff Incentive
Importance: High

Ladies and Gentlemen:

Attached is a signed agreement with the following changes: Under the heading "Cash Retirement Incentive" I moved The first sentence of the 2d paragraph to after the last sentence of the 1st paragraph; under the heading "Voluntary Layoff Incentive" I inserted the sentence "Those employees who are less than full time, but are at least half time, will receive a pro-rated payment." Before the last sentence in the first paragraph. This makes the agreement consistent with those we have reached in the past. Let me know if there is a problem.

In addition, the DPH Commissioner's Broadcast Memo to employees contains the following statement: "Please note that if you apply for the voluntary retirement incentive and are approved, you will not be allowed to revoke your application." As I indicated in our meeting of March 22, 2011 (with Marianne Dill) and in my email to Matt Hale and Challis McNally of 5/13/11 - MOSES has never and does not now agree with or to the above referenced statement. Thank you.

Ann M. Looney
General Counsel
MOSES
90 North Washington Street, Suite 3
Boston, MA
alooney@moses-ma.org
617-367-2727; 1-800-845-1141

"Of all tyrannies, a tyranny exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end, for they do so with the approval of their consciences." -C.S. Lewis